

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CRYSTAL GOOD, individually and as
parent and next friend of minor children
M.T.S., N.T.K. and A.M.S. and
MELISSA JOHNSON, individually and as parent of her unborn
child, MARY LACY and JOAN GREEN and JAMILA AISHA OLIVER,
WENDY RENEE RUIZ and KIMBERLY OGIER and ROY J. McNEAL and
GEORGIA HAMRA and MADDIE FIELDS and BRENDA BAISDEN, d/b/a FRIENDLY
FACES DAYCARE, and ALADDIN RESTAURANT, INC., and
R. G. GUNNOE FARMS LLC, and DUNBAR PLAZA, INC.,
d/b/a DUNBAR PLAZA HOTEL, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

Civil Action No.: 2:14-01374

AMERICAN WATER WORKS COMPANY, INC., and
AMERICAN WATER WORKS SERVICE COMPANY, INC.,
and EASTMAN CHEMICAL COMPANY, and
WEST VIRGINIA-AMERICAN WATER COMPANY,
d/b/a WEST VIRGINIA AMERICAN WATER, and
GARY SOUTHERN and DENNIS P. FARRELL,

Defendants.

ORDER

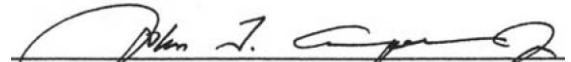
Pending are the Motion by All Plaintiffs to Strike
Responsive Expert Report of Terry Deason for Purposes of West
Virginia-American's Impracticability Defense, filed on March 8,
2016 (ECF No. 642) and the Motion by All Plaintiffs to Exclude
Untimely Submitted Expert Declarations of Stephen Hubbs, P.E. and
Affidavit of George A. Kunkel, Jr., filed on June 16, 2016 (ECF
No. 904).

In both motions, plaintiffs argue that the water company defendants have submitted untimely expert reports and request that the court exclude those reports as a sanction for violation of the scheduling order entered by the court. In response, the water company defendants argue that the expert submissions at issue were timely inasmuch as they were responsive to arguments and expert disclosures made by the plaintiffs.

The court concludes that the challenged expert reports are responsive in nature, do not materially depart from prior opinions issued by the same experts, and that their consideration will not result in prejudice to the plaintiffs. Accordingly, it is ORDERED that the motions to exclude untimely expert reports (ECF No. 642 and 904) be, and they hereby are, denied.

The clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: October 13, 2016



John T. Copenhaver, Jr.
United States District Judge